

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**  
**Plaintiff,**

**VS.**

**FERNEY BOLIVAR-VARGAS,**  
**Defendant.**

**8:09CR385**

## ORDER

This matter is before the court on the motions for an extension of time by defendant Ferney Bolivar-Vargas (Bolivar-Vargas) (Filing Nos. 18 and 20). Bolivar-Vargas seeks additional time in which to file pretrial motions in accordance with the progression order. Bolivar-Vargas has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 21). Bolivar-Vargas's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motions will be granted

**IT IS ORDERED:**

Defendant Bolivar-Vargas's motions for an extension of time (Filing Nos. 18 and 20) are granted. Bolivar-Vargas is given until **on or before February 10, 2010**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 15, 2010 and February 10, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 15th day of January, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge